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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF ALASKA  
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10 BRIAN HOLL, et al.,

11 Plaintiffs,

12 v.

13 SHARON AVERY, et al.,

14 Defendants.

CASE NO. 3:24-cv-00273-JLR

ORDER

15 Before the court is Plaintiffs' motion for reconsideration. (Mot. (Dkt. # 37).) The  
16 court has considered Plaintiffs' motion, the record, and the applicable law. Being fully  
17 advised, the court DENIES the motion.<sup>1</sup>

18 Under Federal Rule of Civil Procedure 59(e), upon a motion filed within 28 days  
19 of an appealable order or judgment, a litigant may request that the court reconsider or  
20 amend its order or judgment. *See* Fed. R. Civ. P. 59(e); *Dominguez v. Better Mortg.*

21  
22 <sup>1</sup> The court relies upon the background discussion and the defined terms contained in its  
June 27, 2025 order. (*See* 6/27/25 Order (Dkt. # 35).)

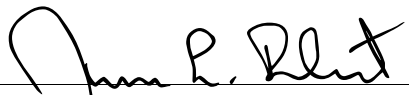
1 *Corp.*, 88 F.4th 782, 789 (9th Cir. 2023). Motions for reconsideration are disfavored, and  
2 “[t]he court will ordinarily deny a motion for reconsideration absent a showing of one of  
3 the following: (A) manifest error of law or fact; (B) discovery of new material facts not  
4 previously available; or (C) intervening change in the law.” L. Civ. R. 7.3(h). A Rule  
5 59(e) motion cannot raise arguments or present evidence for the first time when the  
6 arguments or evidence could reasonably have been raised earlier. *Kona Enters., Inc. v.*  
7 *Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). Indeed, “[a] district court generally  
8 should not grant a Rule 59(e) motion in the absence of newly discovered evidence, clear  
9 error, or an intervening change in the controlling law.” *Wells Fargo Bank v. Mahogany*  
10 *Meadows Avenue Trust*, 979 F.3d 1209, 1218 (9th Cir. 2020) (quotation marks and  
11 citation omitted).

12 On June 27, 2025, the court dismissed this action with prejudice. (*See* 6/27/25  
13 Order; Judgment (Dkt. # 36).) On July 2, 2025, Plaintiffs moved for reconsideration,  
14 arguing that the court’s order of dismissal suffers from two manifest errors of law:  
15 (1) the court should have concluded that Congress did not delegate to the executive  
16 branch the authority to recognize tribes because that interpretation of 25 U.S.C. §§ 2, 9  
17 “contravenes common sense” and because the court, according to Plaintiffs, did not apply  
18 a *de novo* standard of review in interpreting the relevant statutory provisions; and  
19 (2) after dismissing the Tribe from this action on grounds of tribal sovereign immunity,  
20 the court should have reached Plaintiffs arguments that the Ondola allotment was not  
21 “Indian lands” eligible for gaming, rather than dismissing the action for failure to join a  
22 required party. (Mot. at 1-4.)

1 Plaintiffs' arguments, however, are no more than simple disagreement with the  
2 court's legal analysis and are not proper grounds for reconsideration. As to Plaintiffs'  
3 first argument, the court has already applied the proper *de novo* standard of review in  
4 determining that the Tribe is federally recognized. (*See* 6/27/25 Order at 5-9.) As to  
5 Plaintiffs' second argument, the court has already explained that the Tribe is a required  
6 party that must be joined; that the Tribe cannot be joined; and that equity and good  
7 conscience require the action to be dismissed in the Tribe's absence. (*See id.* at 9-12.)  
8 Indeed, the court has already specifically considered and rejected Plaintiffs' rehashed  
9 arguments that the court should adjudicate the status of lands on which the Tribe operates  
10 a casino even in the absence of the Tribe itself. (*See id.* at 12 (dismissing this action in  
11 relevant part because "the issues in this action go directly to the Tribe's status as a  
12 federally recognized tribe *and to the status of lands upon which the Tribe wishes to*  
13 *operate a casino*") (emphasis added).)

14 Accordingly, for the foregoing reasons, the court DENIES Plaintiffs' motion for  
15 reconsideration (Dkt. # 37).

16 Dated this 7th day of July 2025.

17   
18 JAMES L. ROBART  
United States District Judge